

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Yeadon, M.) Art Unit: 1614
Serial No. : 10/720,050) Examiner:
Confirmation No. : 3489
Filed : 11/19/2003
For : COMBINATION OF A DOPAMINE D2-RECEPTOR AGONIST
AND TIOTROPIUM OR A DERIVATIVE THEROF FOR TREATING
OBSTRUCTIVE AIRWAYS AND OTHER INFLAMMATORY
DISEASES
Docket No. : 1/1346

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the U.S.
Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on December 6, 2004.

Michael P. Morris

By: Michael P. Morris
Reg. No. 34,513

PETITION REQUESTING WITHDRAWAL OF THE HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181(a)

Dear Sir:

Applicants hereby petition under 37 C.F.R. § 1.181(a) to request withdrawal of the holding of abandonment in the above-identified application.

Today I received a notice of abandonment in this case that the application has gone abandoned for failure to file a timely response to the Notice to File Missing Parts dated February 24, 2004. In fact, such a response was transmitted to the Office on March 1, 2004, and received by the Office as evidenced by the transmission status report, although apparently subsequently lost or misplaced.

PETITION REQUESTING WITHDRAWAL OF THE HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181(a)
U.S. Appln. No. 10/720,050

In accordance with the provisions of 37 C.F.R. § 1.8(b):

- (1) applicant herewith promptly informs the Office of the previous transmission of the correspondence after becoming aware that the Office has no evidence of receipt of correspondence;
- (2) attaches herewith an additional copy of the previously transmitted correspondence and certificate of transmission; and
- (3) The undersigned attorney attests that he personally prepared the attached Amendment and other previously mailed correspondence, signed the Amendment and Certificate of Mailing thereto, and directed previously mailed correspondence to be filed; applicant's files indicate that it was so filed. As further evidence, applicant also herewith encloses a copy of the transmission status report indicating each item of the previously transmitted correspondence was received by the Office. A report confirming transmission may be used to support this statement. See M.P.E.P. §§ 512 and 37 CFR 1.8(b)(1)-(3).

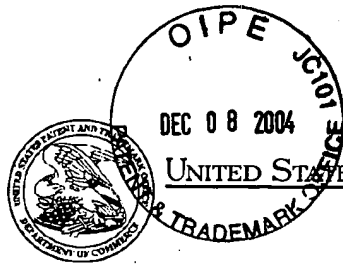
The Commissioner is hereby authorized to charge any other fee required for this Petition or any other paper accompanying this Petition to Deposit Account No. 02-2955.

Respectfully submitted,

Michael P. Morris

Michael P. Morris
Attorney for Applicant(s)
Reg. No. 34,513

Patent Department
Boehringer Ingelheim Corp.
900 Ridgebury Road
P.O. Box 368
Ridgefield, CT. 06877
Tel.: (203) 798-5285
Fax: (203) 798-4408



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/720,050	11/19/2003	Michael Yeadon	1/1346

28501
 BOEHRINGER INGELHEIM CORPORATION
 900 RIDGEBURY ROAD
 P. O. BOX 368
 RIDGEFIELD, CT 06877

CONFIRMATION NO. 3489
 ABANDONMENT/TERMINATION
 LETTER
 OC000000014633269
 OC000000014633269

Date Mailed: 11/30/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 02/24/2004.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Z. Moguss

Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Notice of Abandonment



This application is abandoned in view of applicant's failure to timely file a proper reply to the Office notice mailed on 02/24/04

Petition to Withdraw the Holding of Abandonment

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be transmitted by facsimile directly to OIPE Customer Service at (703) 308-7751.

Petition to Revive an Abandoned Application

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by:

1. an adequate showing of the cause of unavoidable delay;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(i); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by:

1. a statement that the entire delay was unintentional;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(m); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to Office of Petitions at (703) 305-9282.

Any questions regarding this notice should be directed to OIPE Customer Service at (703) 308-1202.

Customer Service Center

Initial Patent Examination Division (703) 308-1202



*** TX STATUS REPORT ***

AS OF MAR 01 2004 14:55 PAGE.01

	DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	JOB#	STATUS
14	03/01	14:53	917037464060	EC--S	01'54"	007	201	OK



**Boehringer
Ingelheim**

Telefax

TO: USPTO, Mail Stop Missing Parts
DATE: March 1, 2004
Fax Number: (703) 746-4060
Phone Number: (703) 308-1202
Total Number of pages: 7 (including cover sheet)

**Boehringer Ingelheim
Corporation**

RE: **Response to Notice to File Missing Parts**
Serial Number: 10/720,050
Confirmation Number: 3489
Filing Date: 11/19/2003
First Inventor: Yeadon, M.
Attorney Docket Number: 1/1346

Michael P. Morris
Telephone (203) 798-5285
Telefax (203) 798-4408
E-Mail mmorris2@rdg.boehringer
ingelheim.com
900 Ridgebury Rd/P.O. Box 368
Ridgefield, CT 06877-0368

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application which was mailed on February 24, 2004, please find transmitted herewith a Declaration for Utility or Design Patent Application (37 CFR 1.63) which has been executed by the originally-named applicants.

The surcharge set forth in 37 CFR 1.16(e) for submission of the Declaration at this time is \$130.00. The Commissioner is hereby authorized to charge this and any other fee which may be required, and to credit any overpayment, to Deposit Account No. 02-2955. Triplicate copies of this paper are being transmitted herewith.

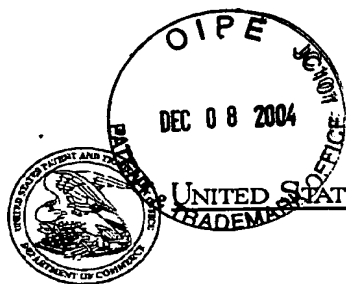
As requested, a copy of the Notice to File Missing Parts of Nonprovisional Application is also being transmitted.

Respectfully Submitted,

Michael P. Morris
Reg. No. 34,513

Certificate of Transmission under 37 CFR 1.8
I hereby certify that this correspondence is being
facsimile transmitted to the United States Patent
and Trademark Office on March 1, 2004

Michael P. Morris, Reg. No. 34,513



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/720,050	11/19/2003	Michael Yeadon	1/1346

CONFIRMATION NO. 3489

FORMALITIES LETTER



OC000000011961911

28501
 BOEHRINGER INGELHEIM CORPORATION
 900 RIDGEBURY ROAD
 P. O. BOX 368
 RIDGEFIELD, CT 06877

Date Mailed: 02/24/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

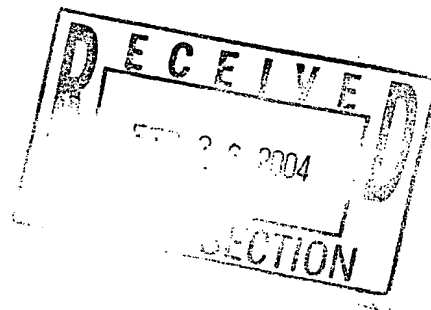
An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450



*A copy of this notice **MUST** be returned with the reply.*

che yu at

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



Please type a plus sign (+) inside this box → ☐

PTO/SB/01 (12-97)
Approved for use through 9/30/00. OMB 0651-0032
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

☐ Declaration Submitted with Initial Filing
OR
☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number 1/1346
First Named Inventor Michael YEADON

COMPLETE IF KNOWN

Application Number 10 / 720,050
Filing Date November 19, 2003
Group Art Unit To be assigned
Examiner Name To be assigned

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**COMBINATION OF A DOPAMINE D2-RECEPTOR AGONIST AND TIOTROPIUM OR A
DERIVATIVE THEROF FOR TREATING OBSTRUCTIVE AIRWAYS AND OTHER
INFLAMMATORY DISEASES**

the specification of which (Title of the Invention)

☐ is attached hereto
OR

☒ was filed on (MM/DD/YYYY) **November 19, 2003** as United States Application Number or PCT International

Application Number **10/720,050** and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.
60/303,859 60/293,630	07/09/2001 05/25/2001	

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Please type a plus sign (+) inside this box → ☐

PTO/SB/01 (12-97)
Approved for use through 9/30/00. OMB 0651-0032
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
PCT/EP 02/05642	05/23/2002	

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

☐ Customer Number OR
☒ Registered practitioner(s) name/registration number listed below

Place Customer
Number Bar Code
Label here

Name	Registration Number	Name	Registration Number
Robert P. Raymond	25,089	Anthony P. Bottino	41,629
Michael P. Morris	34,513	Susan K. Pocchiari	45,016
Mary-Ellen M. Devlin	27,928	Philip I. Datlow	41,482
Alan R. Stempel	28,991	David A. Dow	46,124
Timothy X. Witkowski	40,232		

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: ☒ Customer Number or Bar Code Label OR ☐ Correspondence address below

Name			
Address			
Address			
City	State	ZIP	
Country	Telephone	Fax	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Michael		YEADON	
Inventor's Signature	Date 20 <u>01</u>		
Residence: City	Sandwich, Kent	State	Country
			United Kingdom
Post Office Address	Ramsgate Road		
Post Office Address			
City	Sandwich, Kent	State	ZIP
			CT13 9NJ
Country	United Kingdom		

☐ Additional inventors are being named on the supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto